

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, **Nicole Osterman**, being duly sworn, depose and state:

INTRODUCTION

1. I am a Special Agent with Homeland Security Investigations (HSI), Immigration and Customs Enforcement, United States Department of Homeland Security, and have been so employed since April 2023. Prior to HSI, I was employed by United States Customs and Border Protection as a Customs and Border Protection Officer from 2019 to 2023. I am an investigative law enforcement officer of the United States who is empowered to conduct investigations of or to make arrests for offenses enumerated in Title 18, *United States Code*, Section 2516, and Title 21, *United States Code*, Section 841 offenses. My responsibilities as a Special Agent include conducting investigations of the alleged manufacture, distribution and possession of controlled substances, importation of controlled substances, smuggling of goods into the United States, firearm's violations, crimes against children, and other federal offenses.
2. I am currently assigned to the HSI Resident Agent in Charge (RAC) Fajardo office, where investigations commonly conducted are related to violations of Titles 8, 18, 19, 2, 46 and 31 of the United States Code ("U.S.C."). I investigate criminal violations related to child exploitation and child pornography, including but not limited to: the production, distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2252(a), and 2252A; the sexual coercion and enticement of minors in violation of 18 U.S.C. § 2422(b); transportation for the purpose of illicit sexual conduct with minors in violation of 18 U.S.C. § 2423; sex trafficking of minors in violation of 18 U.S.C. § 1591; and, the transfer of obscene material to minors in violation of 18 U.S.C. § 1470.

PURPOSE

3. This Affidavit is made in support of an application for a Criminal Complaint for **Jorge AGOSTO DISDIER** for violations of 18 U.S.C. § 2252A(a)(2), receipt of child pornography; and, 18 U.S.C. § 2252A(a)(5)(B), possession and access with intent to view child pornography.

PARAMETERS

4. The facts set forth in this Affidavit are based on my personal observations and information provided to me by other law enforcement officers and individuals. Because I submit this Affidavit for the limited purpose of showing probable cause, I have not included each fact that I have learned in this investigation in this Affidavit. Rather, I have set forth only facts sufficient to establish probable cause to issue a Criminal Complaint for AGOSTO DISDIER. Additionally, unless indicated otherwise, all statements and conversations described herein are relayed in substance and in part only, rather than verbatim.

RELEVANT FACTUAL ALLEGATIONS

5. On June 08, 2024, Homeland Security Investigations (HSI) Resident Agent in Charge (RAC) Office Fajardo Puerto Rico, executed a federal search warrant on the cellular device of an adult male (hereinafter Subject 1) related to the production and distribution of child pornography.
6. During the execution of the search warrant, this specific cellular device was found to contain a recorded video facetime call saved in Subject 1's photo album. This video was a recording of a facetime call between Subject 1 and Jorge AGOSTO DISDIER and was created in April of 2023.

7. The following is a description of the media file recovered: Video #1 – Length 00:02:47- The video displays AGOSTO DISDIER with a black beard and dark colored hat. The video depicts an approximate 3–4-month-old female infant laying on her back in a bassinet. The infant is seen wearing pink clothing. An adult hand is seen touching the infant as both Subject 1 and AGOSTO DISDIER are seen masturbating.
8. HSI Agents reviewed and compared Subject 1's phone contact information with this Facetime Video recording call and found the contact's name saved as "Disdier" with phone number 939-XXX-3684.
9. Utilizing the Facetime video recording between Subject 1 and AGOSTO DISDIER, HSI agents were also able to conduct an open-source social media search and identify a photo match with the individual on Facebook and Jorge AGOSTO DISDIER who appears on the Facetime video recording.
10. HSI agents conducted a search of motor vehicle records databases through the Puerto Rico Departamento de Transportación y Obras Publicas (DTOP) DAViD+ system for the name Jorge Agosto Disdier. This search located a Puerto Rico driver's license for Jorge Agosto Disdier who was born on May 2, 1997, and self-reported phone number 939-xxx-3684.
11. On June 27, 2024, HSI Agents executed a federal search warrant in Aguada, Puerto Rico for the cellular device of AGOSTO DISDIER and his person to search for the device. HSI Agents recovered from the person of AGOSTO DISDIER a Blue Apple iphone Pro max cellular device with internet capabilities that was manufactured outside of Puerto Rico (hereinafter the DEVICE) with phone number 939-xxx-3684.

12. On June 27, 2024, during the execution of the above search warrant, HSI Special Agents advised AGOSTO DISDIER of his rights per *Miranda*. AGOSTO DISDIER stated that he understood his rights, signed a waiver, and agreed to speak with Agents.

13. AGOSTO DISDIER provided passwords for access to the DEVICE. A preliminary search of AGOSTO DISDIER's cellular device revealed, in part, the following:

- a. Examination of AGOSTO DISDIER's Apple iphone profile displayed his phone number as 939-xxx-3684.

14. The following is a description of an image found in the photo album of the Blue Apple iphone 13 pro max belonging to AGOSTO DISDIER. The image has a creation and or saved date of April 2023:

- a. Image #1 – The photo depicts a female infant laying on her back in a bassinet. The infant is seen wearing pink clothing and is naked from the waist down. Based on the overall size of the child's body, childlike features, lack of pubic hair, the age range of the infant appears to be two to four months old. This photo matches the infant from the recorded facetime call mentioned in paragraph 7 that was discovered on Subject 1's cellular device.

15. Also, during his interview on June 27, 2024, AGOSTO DISDIER told HSI Special Agents, in part and not verbatim, that:

- a. His cellular phone number is 939-xxx-3684.
- b. He is the adult male depicted in the sexually explicit media files described in paragraphs 7 and 14, above that was recorded on Facetime in or about April 30, 2023, respectively. He stated that he is aware the recorded facetime video

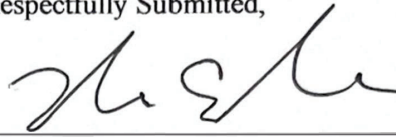
mentioned in paragraph 7 above did involve Subject 1 conducting sexually explicit acts with an infant.

- c. He has received other media files of child pornography involving this same identified infant victim, to include a video of subject 1 putting his erect penis in the infant's mouth.
- d. He further stated that he met Subject 1 via the social media platform Facebook. He stated that on various occasions, Subject 1 would send him videos of minor children conducting sexually explicit acts. AGOSTO DISDIER was able to describe the approximate duration of the video media files he received from Subject 1.
- e. He has received links containing child pornography using the above listed phone number on Telegram, however he deleted them off his cellular device.
- f. When asked to describe the age range of the minors depicted in the child pornography links, videos, and images he has received, he stated some depicted infants.

CONCLUSION

- 15. Based on the foregoing facts, I respectfully submit that there is probable cause to believe that Jorge AGOSTO DISDIER committed violations of 18 U.S.C. § 2252A(a)(2), receipt of child pornography; and, 18 U.S.C. § 2252A(a)(5)(B), possession and access with intent to view child pornography.
- 16. Therefore, I respectfully request that this Honorable Court issue a Criminal Complaint for Jorge AGOSTO DISDIER.

Respectfully Submitted,



Nicole Osterman, Special Agent
Homeland Security Investigations (HSI)

Sworn in accordance with the requirements of Federal Rule of Criminal Procedure 4.1 by
telephone at 9:58 a.m. on June 28, 2024, in San Juan, Puerto Rico.



Digitally signed by Hon.
Giselle Lopez-Soler

Hon. Giselle López Soler
United States Magistrate Judge
District of Puerto Rico